

**REMARKS**

**Claim Rejections**

Claims 1, 2, 4, 5, 12, 13, 15, 16, 18 and 19 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Pat. No. 6,820,211 to Kalman (" Kalman"). Applicant traverses this rejection.

Addressing claim 1, Kalman does not disclose or suggest at least wherein said logical disk writing/reading means reports the completion of writing to said processor unit when the control unit writes the data in said second storage means, as recited in the claim. With Applicant's logical disk writing/reading means, a processor unit recognizes the completion of writing when the data is stored in the second storage means.

Kalman, on the other hand, discloses a system and method for servicing requests to a storage array. The Examiner asserts that "the weight of Kalman for the next data request (Fig. 3A, Ref. 208) after storing data from requests on another storage medium (Fig. 3A, Ref. 218) is an indicator of completion." This clearly shows that, in Kalman, a data processing system 10 does not recognize the completion of writing when the data request is logged on an NVRAM 108, but finally recognizes the completion of writing when the actual data is stored on another storage medium. Therefore, Kalman does not disclose or suggest the above-noted features of claim 1. Thus, claim 1 is patentable over Kalman.

Claims 2, 4 and 5, which depend from claim 1, are patentable at least by virtue of their dependence. Claim 19 contains features similar to the features recited in claim 1 and is therefore patentable for similar reasons.

Regarding claims 12 and 15, Kalman does not disclose or suggest at least reporting completion of writing data in said second storage means to said processor when the data instructed by said processor is written in said second storage means, as recited in the claims. With Applicant's reporting step, a processor unit recognizes the completion of writing when the data is stored in the second storage means.

On the other hand, as established above, Kalman's data processing system 10 does not recognize the completion of writing when the data request is logged on an NVRAM 108, but finally recognizes the completion of writing when the actual data is stored on another storage medium.

Therefore, claims 12 and 15 are patentable over Kalman. Claims 13 and 16, which depend from claims 12 and 15, respectively, are patentable at least by virtue of their dependence. Claim 18 contains features similar to the features recited in claims 12 and 15 and is therefore patentable for similar reasons.

Claims 6, 7, 9 and 10 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kalman in view of U.S. Pat. No. 5,600,738 to Kakuta ("Kakuta"). Applicant traverses this rejection.

The combination of Kalman and Kakuta does not disclose or suggest at least wherein said logical disk writing/reading means reports the completion of writing to said processor unit when the control unit writes the data in said second storage means, as recited in claim 10. As established above, the Kalman fails to disclose or suggest such features. Kakuta also fails to disclose or suggest the corresponding element of the above-described logical disk writing/reading unit. Even if one of ordinary skill in the art at the time the invention was made

had been motivated to combine the references, the combination would still not result in the features claimed by Applicant.

Therefore, claim 6 is patentable over the combination of Kalman and Kakuta. Claim 7, 9 and 10, which depend from claim 6, are patentable at least by virtue of their dependence.

Claims 3, 8, 14 and 17 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kalman in view of Applicant's admitted prior art ("APA"). Applicant traverses this rejection.

The combination of Kalman and the APA does not disclose or suggest the features of claims 3, 8, 14 and 17. As established above, Kalman fails to disclose or suggest at least wherein said logical disk writing/reading means reports the completion of writing to said processor unit when the control unit writes the data in said second storage means, as recited in the claims. Since the APA does not disclose such features, the APA does not cure the deficiencies of Kalman. Therefore, claims 3, 8, 14 and 17 are patentable over the combination of Kalman and the APA.

### **Conclusion**

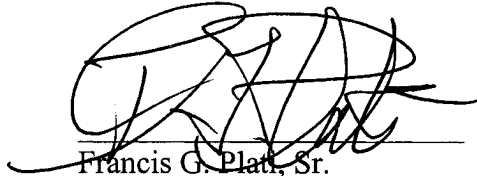
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. §1.111  
Appln. No. 10/664,890

Atty. Docket No. Q77475

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis G. Platt, Sr.", written over a horizontal line.

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